

RECEIVED
CENTRAL FAX CENTER

Serial No. 09/766,646

AUG 22 2006

REMARKS

In the Office Action the Examiner noted that claims 1-12 and 14-26 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1, 6-12, 14, and 21-23 have been amended. No new matter has been presented. Thus, claims 1-12 and 14-26 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Claim Rejections Under 35 USC §103

In item 4 on pages 2-19 of the Office Action the Examiner rejected claims 1-12 and 14-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,223,216, issued to Hunt et al. (hereinafter referred to as "Hunt") in view of U.S. Patent Application Publication No. 2005/0005242, issued to Hoyle (hereinafter referred to as "Hoyle") in view of U.S. Patent No. 6,625,581, issued to Perkowski (hereinafter referred to as "Perkowski"). The Applicants respectfully traversed the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites "receiving, from the first user, designation information of a product provider which the first user permits to view the cart identification information and to view product information which the first user associates with the cart identification information, and which provides a product related to the viewed product information as well as additional information related to the viewed product information." The Applicants respectfully submit that none of the cited references, either alone or together, disclose or suggest at least these features of claim 1.

Hunt describes a method of electronic commerce directed to tracking a user's purchases. More specifically, Hunt teaches software executed on a server computer for selling products to a consumer. Although the software analyzes the contents of a user's shopping cart and provides digital offers based on the contents (see col. 5, ll. 12-17), nowhere does Hunt teach any function comparable to "receiving, from the first user, designation information of a product provider which the first user permits to view the cart identification information and to view product information which the first user associates with the cart identification information, and which provides a product related to the viewed product information as well as additional information related to the viewed product information". Instead, in Hunt, information passes only between the user and the seller, and nowhere does Hunt disclose or suggest passing any type of information to a product provider which can then provide additional information which enables competition with the seller.

Serial No. 09/766,646

Hoyle also teaches methods of electronic commerce. Specifically, the text of paragraph 155, cited by the Examiner, describes methods involving an electronic shopping cart and teaches storing in the cart a URL of a Web site having product information. Although Hoyle teaches storing a URL in a shopping cart, this feature merely allows a user to access information on a third party's Web site. This feature does not allow a product provider to access information associated with the user's cart. As such, neither this feature nor any other teaching of Hoyle relates to the feature of claim 1 discussed above.

Perkowski is similar to Hoyle in that Perkowski also teaches functions that allow users to obtain detailed information on a good while shopping. For example, Perkowski describes a system allowing a user to obtain detailed information on a good by scanning the good's UPC code into a bar code reader (see figure 3A7). Additionally, Perkowski teaches adding a hyperlink to a Web page that allows a user to obtain information on a product (see figures 4P1 and 4R2). While Perkowski teaches methods allowing a shopper to access information on a third party's Web site, nowhere does Perkowski disclose having a shopper designate product providers that can access the user's cart identification information or product information the user associates with the cart identification information.

The Examiner acknowledged that "Hunt does not explicitly disclose the user designating a third party that the user agrees can track and target the user." However, the Applicants respectfully submit that Hunt neither explicitly nor implicitly discloses or suggests the designation of a product provider as recited in claim 1. Also, because the Examiner characterizes the deficiency of Hunt as being disclosed by Hoyle, the Examiner apparently implies that the feature is also not disclosed or suggested by Perkowski.

In the Examiner's discussion of Hoyle, the Examiner stated that "Hoyle discloses that the user can register with a third party, that the user registration with a third party can be optional, that registration can include the user sharing a variety of user information with a third party, that along with the user registration the third party can monitor user activity including user shopping related activity, that targeted information can be provided to the user by the third party based on the known user information, that in registering the user designates a third party that the user agrees can track and target the user." However, the Applicants respectfully note that the Examiner has not stated that Hoyle discloses or suggests "receiving, from the first user, designation information of a product provider which the first user permits to view the cart identification information and to view product information which the first user associates with the

Serial No. 09/766,646

cart identification information, and which provides a product related to the viewed product information as well as additional information related to the viewed product information."

In Hoyle, only "demographic information" of the user is sent to the server (which the Examiner has apparently equated with the recited product provider of the present application). Hoyle does not disclose or suggest "notifying said product provider associated with said cart identification information of said cart identification information and product information in accordance with a receipt of designation information of said product provider or a receipt of said product information," as is also recited in claim 1. Paragraph [0072] of Hoyle, cited by the Examiner, discloses that banner advertising is supplied based on demographic information and data supplied by users during registration with the service, among other data gathered during computer usage. Therefore, the service in Hoyle is not notified of the cart identification information and product information, as is recited in claim 1 of the present application. This targeted advertising is delivered any time a user is using the computer, and is not associated with cart identification and product information, as recited in claim 1, which the product provider is notified of.

Further, even if the information gathered in Hoyle were to be considered, *arguendo*, as the cart identification and product information, this would still not cure the deficiency of the other cited references regarding a product provider being designated to provide additional product information related to the viewed product information. The service in Hoyle merely provides banner advertising from any number of third parties, and these banner advertisements are not related to product information supplied to any of the third parties. Therefore, Hoyle fails to disclose this feature on two levels. First, the advertisements are not related to product information that the service in Hoyle is notified of, but are merely aimed at demographic and other similar information. Secondly, these advertisements would be supplied by any number of third parties not authorized by the user, rather than the specific product providers designated by the user as recited in claim 1 of the present application as being able to provide additional product information related to the viewed product information.

Thus, none of the cited references, either taken alone or in combination, provide the benefit of a configuration in which information relating to a product registered in a cart or information of other recommended products may be presented to a user upon registration to the shopping cart of a candidate product, or to a company or a product provider whose advertisements are requested.

Serial No. 09/766,646

Therefore, the Applicants respectfully submit that none of the cited references, either alone or together, disclose or suggest at least the features of "receiving, from the first user, designation information of a product provider which the first user permits to view the cart identification information and to view product information which the first user associates with the cart identification information, and which provides a product related to the viewed product information as well as additional information related to the viewed product information." Indeed, the Applicants respectfully submit that none of the references even contemplate designating a product provider to provide additional product information related to the viewed product information. Therefore, the Applicants respectfully submit that claim 1 of the present application patentably distinguishes over the cited references.

Claims 2-10 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 2-10 also patentably distinguish over the cited references.

Independent claims 11-12, 14, and 21-23 recite similar features to those discussed above, and which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 11-12, 14, and 21-23 also patentably distinguish over the cited references.

Claims 15-20 depend from claim 14, and claims 24-26 depend from claim 23. These dependent claims include all of the features of their respective independent claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 15-20 and 24-26 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, the claims 1, 6-12, 14, and 21-23 have been amended. No new matter has been presented. Thus, claims 1-12 and 14-26 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 09/766,846

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

RECEIVED
CENTRAL FAX CENTER

AUG 22 2006

Date:

08/22/06

By:

Thomas L. Jones

Thomas L. Jones

Registration No. 53,908

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 08/22, 2006

STAAS & HALSEY

By:

Thomas L. Jones

Date:

08/22/06